

### **REMARKS/ARGUMENTS**

The office action of August 6, 2007 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-6, 8 and 10-19 remain pending in this application. Applicants have canceled claims 9 and 20-31 as being drawn to a non-elected invention, but reserve the right to pursue the subject matter thereof in a divisional application. Claim 7 has been canceled without prejudice or disclaimer.

Preliminarily, applicants filed Information Disclosure Statements on November 7, 2006 and January 26, 2007, which as far as can be determined, have not been made of record by the Office. Applicants respectfully request the Office to make the Information Disclosure Statements of record and return initialed SB08A forms with the next communication. In addition, applicants filed an Information Disclosure Statement on September 24, 2007 and request that the Office return an initialed SB08A with the next communication.

#### **Examiner Interview**

Applicants' representatives would like to express their appreciation for the courtesies extended to the undersigned by Examiner Dinh during the personal interview on October 16, 2007. The following remarks include Applicants' substance of interview pursuant to MPEP § 713.04.

#### **Prior Art Rejections**

Claims 1, 7, and 16-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent no. 5,635,958 to Murai. Claims 2, 5, 6 and 10-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Murai in view of U.S. patent no. 5,995,101 to Clark et al. ("Clark"). Claim 3 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Murai in view of U.S. patent no. 5,854,624 to Grant. Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Murai in view of U.S. patent no. 5,973,670 to Barber et al. ("Barber"). Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Murai in view of U.S. patent no. 6,246,405 to Johnson. Applicants respectfully traverse these rejections.

Claim 1 calls for, among other features, generating feedback responsive to the step of detecting, the feedback providing an indication of the functionality of the first auxiliary control, the functionality of the first auxiliary control and associated feedback being dependent upon which one of a first application program and a second application program is active, the generating includes displaying a first display widget on the display screen, wherein the first auxiliary control has a first function in the first application program and a second function, different from the first function, in the second application program. While Murai generates feedback providing an indication of the functionality of a key, the functionality of the key and associated feedback is only operative in a particular scenario, namely in a word processor program under execution. Notably, as discussed during the interview, Murai neither teaches nor suggests the functionality of the first auxiliary control and associated feedback being dependent upon which one of a first application program and a second application program is active, wherein the first auxiliary control has a first function in the first application program and a second function, different from the first function, in the second application program as recited in claim 1. The functions of file, print, translate, etc., shown in FIGs. 14 and 15 of Murai do not correspond to separate application programs. Rather they are functions in the word processor program being executed. Notably, the feedback generated in Murai is for a single application program. For at least this reason, claim 1 is patentably distinct from Murai. Claims 16 and 17, which ultimately depend from claim 1, are also patentably distinct for the same reasons set forth above, and further in view of the novel features recited therein.

Claims 2, 5, 6, and 10-15 which ultimately depend from claim 1, are rejected over the combination of Murai and Clark. Clark fails to overcome the deficiencies of Murai noted above with respect to claim 1. Therefore, claims 2, 5, 6, and 11-15 are patentably distinct from the combination of Murai and Clark, even if proper, for at least this reason, and further in view of the advantageous features recited therein.

As to claim 3, which ultimately depends from claim 1, the action acknowledges that Murai does not teach or suggest that the system has a game controller including the auxiliary control. To remedy this defect, the action relies on Grant. Notwithstanding the propriety of combining Murai and Grant, Grant fails to overcome the deficiencies of Murai described above

Accordingly, the combination of Murai and Grant, even if proper, does not result in the claim 3 invention.

Claim 4, which depends from claim 1, calls for providing tactile feedback responsive to the step of detecting. The action acknowledges that Murai does not show this feature. To remedy this deficiency, the action relies on Barber. However, Barber fails to overcome the deficiencies noted above with respect to claim 1. Thus, the combination of Murai and Barber would not have resulted in the claim 4 invention. Moreover, contrary to the action's assertion, applicants submit that one of ordinary skill in the art would not have had utilized the tactile controller of Barber in the Murai system. The action alleges that one skilled in the art would have combined Barber and Murai to provide additional feedback for the system to detect that the cursor is at the boundary of a graphical object for precisely selecting the graphical object as described in Barber at col. 1, lines 40-44. This is wholly irrelevant to the focus of Murai; to assist the user in performing a blind touch operation. Moreover, it makes no sense to provide tactile feedback in response to detecting the proximity of a finger to a keytop for the purpose of detecting that the cursor is at the boundary of a graphical object for precisely selecting the graphical object as asserted in the action. As such, one would not have combined Barber with Murai for the reasons set forth in the action. For at least this reason, the combination is improper.

Claim 8, which ultimately depends from claim 1, has calls for the first display widget to include a user interface configured to receive user input to change settings of the functionality of the first auxiliary control. The action acknowledges that Murai does not teach or suggest this feature. To remedy this defect, the action relies on Johnson. However, Johnson fails to remedy the deficiencies identified above with respect to Murai. Thus, the combination of Murai and Johnson does not result in the claim 8 invention.

Amended claim 18 calls for, among other features, detecting a first physical presence proximate to or contacting a first auxiliary control for a predefined period in which the first auxiliary control maintains an inactive state, detecting a second physical presence proximate to or contacting a second auxiliary control different from the first auxiliary control in which the second auxiliary control maintains an inactive state while detecting the first physical presence proximate to or contacting the first auxiliary control, and generating feedback responsive to the

step of detecting the second physical presence, the second feedback indicating functionality associated with simultaneous activation of the combination of the first auxiliary control and the second auxiliary control.

The action refers to the application of Murai to claim 1 and further points to FIGs. 17-19 of Murai to show the claim 18 combination of features. For ease of discussion, col. 7, lines 49-67 of Murai are provided below:

Another embodiment is shown in FIGS. 17, 18A and 18B. In the circuit of FIG. 17, numeral 20 designates a keytop, 21 a key switch and 22 an electrode of a proximity sensor. This circuit, which is substantially the same as that shown in FIG. 1, has a switch having the above-mentioned help function added thereto. This is a display change-over switch. While this switch is not depressed, as shown in FIG. 18A, the finger positions in proximity to each keytop are indicated as a bitmap combination of small spots, and the thumb position is indicated by a horizontal mark. With the approach of a finger to the proximity sensor 22, sets of characters corresponding to the keytops are displayed distinctly on the screen as shown in FIG. 18B. As a result, the operator can know the corresponding characters by bringing a finger toward the proximity sensor 22 and the keytops at the same time when he/she still could not otherwise recognize the characters on the keytops. Also, in the case where the key switch 21 is turned on, the descriptive text is displayed, thereby dividing the help function into two levels. The

The display of the bit map combination of small spots in Fig. 18A occurs when the switch 21 is not depressed and the position of fingers proximate to each keytop is sensed. As described when the key switch 21 is not depressed and the proximity sensor 22 senses the approach of a finger at the same time a finger is sensed approaching a keytop, the character corresponding to the keytop is displayed as shown in Fig. 18B. When the key switch 21 is depressed descriptive text is displayed.

In contrast to Murai, amended claim 18 calls for detecting a second physical presence proximate to or contacting a second auxiliary control in which the second auxiliary control maintains an inactive state while detecting the first physical presence proximate to or contacting the first auxiliary control and generating feedback responsive to the step of detecting the second physical presence, *the second feedback indicating functionality associated with simultaneous*

*activation of the combination of the first auxiliary control and the second auxiliary control. As discussed during the interview, the display of a bit map combination of multiple keys and the set of characters corresponding to the keytops 1 in Murai does not in any way teach or suggest indicating functionality associated with simultaneous activation of the combination of the keytops 1 or the combination of the keytops 1 and the keytop 20.*

For at least these reasons, Murai lacks a teaching or suggestion of generating second feedback responsive to the step of detecting the second physical presence, *the second feedback indicating functionality associated with the combination of the first auxiliary control and the second auxiliary control* as recited in claim 18. Claim 19, which depends from claim 18, is patentably distinct from Murai for at least the same reasons as claim 18.

#### **CONCLUSION**

If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,

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Dated: October 25, 2007

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